

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1028, Disciplinary Docket 3
Petitioner	:	Supreme Court
	:	
v.	:	Nos. 12 DB 2003 & 80 DB 2003
	:	Disciplinary Board
	:	
Respondent	:	Attorney Registration No. 29319
WILLIAM EMANUEL PAPAS	:	(Allegheny County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to the Order of The Supreme Court of Pennsylvania dated November 1, 2005, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned matter.

I. HISTORY OF PROCEEDINGS

On June 2, 2005, Office of Disciplinary Counsel filed with the Supreme Court of Pennsylvania a Petition for Adjudication of Contempt, requesting that the Court issue a Rule upon Respondent, William Emanuel Papas, to show cause why he should not be held in contempt for willful violation of the Supreme Court’s Order of March 17, 2000 and why the matter should not be referred to the Disciplinary

Board for a hearing to recommend an appropriate sanction. A Rule to Show Cause was issued by the Supreme Court on September 12, 2005. Respondent did not file a response to the Rule to Show Cause. Petitioner filed a Petition to make the Rule Absolute and by Order dated November 1, 2005, the Supreme Court granted the Petition for Adjudication of Contempt, held Respondent in contempt for willful violation of the Order of March 17, 2000, and referred the matter to the Disciplinary Board for a hearing to recommend the appropriate sanction.

A hearing was held on February 6, 2006, before a District IV Hearing Committee comprised of Chair Marcia H. Haller, Esquire, and Members Michael A. Fetzner, Esquire, and Martin T. Durkin, Jr., Esquire. Respondent represented himself via telephone.

The Hearing Committee filed a Report on April 6, 2006, and recommended that Respondent be disbarred.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on May 10, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg PA 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent is William Emanuel Papas. He is a formerly admitted attorney in the Commonwealth of Pennsylvania, having been admitted to practice law in 1979, and having been transferred to inactive status pursuant to Rule 111(b), Pa.R.C.L.E., by Order of the Supreme Court of Pennsylvania dated March 17, 2000, effective April 16, 2000, for failure to complete the annual Continuing Legal Education requirements.

3. Respondent has a prior history of discipline. He was suspended from April 20, 1988 through February 10, 1989 as a result of his conviction of possession of controlled substances.

4. Respondent was suspended for two years by Order of the Supreme Court dated September 12, 2005. The suspension resulted from various acts of client neglect, failure to communicate, failure to refund unearned fees, dishonest conduct, and the unauthorized practice of law while on inactive status.

5. By letter dated March 17, 2000, sent to Respondent by certified mail, return receipt requested, Elaine M. Bixler, Secretary of the Disciplinary Board:

a. informed Respondent that the Prothonotary of the Supreme Court forwarded to the Disciplinary Board a certified copy of the Supreme Court Order dated March 17, 2000, transferring Respondent to inactive status effective April 16, 2000, for failing to comply with the Pennsylvania Rules of Continuing Legal Education;

b. forwarded to Respondent a copy of the Supreme Court Order;

c. informed Respondent that a letter prepared by the Continuing Legal Education Board was enclosed, which provided information regarding compliance with the Continuing Legal Education Rules;

d. informed Respondent that he would be required to comply with Rule 217, Pa.R.D.E. and subsections 91.91 – 91.99 of the Disciplinary Board Rules and copies of those Rules were enclosed; and

e. informed Respondent that in order to resume active status, he would be required to comply with the Pennsylvania Rules of Continuing Legal Education before a request for reinstatement to the Disciplinary Board would be considered.

6. Respondent received Ms. Bixler's letter and enclosures.

7. Respondent failed to comply with Rule 217, Pa.R.D.E. by failing to provide notices to all of his clients, opposing counsel, and the various Courts of

Common Pleas before whom Respondent had active cases, failed to forward to the Office of the Secretary the certification required, and he continued to engage in the practice of law while on inactive status.

8. As a result of complaints received by Petitioner, a Petition for Discipline was filed against Respondent at Nos. 12 and 80 DB 2003.

9. On November 14, 2003, a disciplinary hearing was held before a Hearing Committee.

10. Respondent was present and participated in the hearing, during which he was informed by Disciplinary Counsel that as a result of his inactive status he was to cease and desist from representing his clients and holding himself out as an attorney permitted to practice law.

11. Petitioner also brought to the Hearing Committee's attention additional complaints which Petitioner received after the initiation of formal proceedings in which it was alleged that Respondent was again practicing law while on inactive status.

12. Even though Respondent had knowledge of the Supreme Court's Order of March 17, 2000 and was directly informed during a hearing of his inactive status and prohibition against engaging in the practice of law, Respondent continued to practice law.

13. On March 4, 2005, Petitioner sent Respondent four formal letters of inquiry comprising 13 separate instances of Respondent continuing to violate

certain Rules of Professional Conduct and Rules of Disciplinary Enforcement by engaging in the unauthorized practice of law while on inactive status.

14 On April 6, 2005, Disciplinary Counsel received a telephone call from Allegheny County Assistant District Attorney Robert J. Heister, Jr., who inquired about the registration status of Respondent and whether or not Respondent was permitted to engage in the practice of law.

15. Assistant District Attorney Heister informed Disciplinary Counsel that Respondent had entered his appearance in a criminal matter.

16. Respondent entered his appearance in two other criminal matters then pending before Judge Kevin Sasinoski.

17. On June 2, 2005, Petitioner filed a Petition for Adjudication of Contempt with the Supreme Court, requesting that the Court issue a Rule upon Respondent to show cause why he should not be held in contempt. Attached to the Petition were documents evidencing that Respondent entered his appearance in the Criminal and Family Divisions of the Court of Common Pleas of Allegheny County on numerous occasions.

18. The Court issued a Rule to Show Cause on September 12, 2005.

19. Respondent did not file a response.

20. By Order dated November 1, 2005, the Supreme Court granted the Petition for Adjudication of Contempt and held Respondent in willful violation of the Order of March 17, 2000 and referred the matter to the Disciplinary Board for a hearing to recommend the appropriate sanction.

21. A hearing was originally scheduled before a Hearing Committee for January 25, 2006.

22. On January 24, 2006, Respondent telephoned Chair Marcia H. Haller, Esquire, to request a continuance as he mistakenly believed the hearing was scheduled for January 26 and he was required to attend a legal proceeding for his child on January 25.

23. The hearing was rescheduled for February 6, 2006. At the time and date of the scheduled hearing, Respondent telephoned the Hearing Committee and advised the members of the Committee that he could not personally appear because of the illness of his young son and the unavailability of child care.

24. Respondent did not request a continuance, advised that he had no documents to enter into evidence, had no witnesses to present and did not anticipate that he would cross-examine any witnesses.

25. All parties agreed that the hearing would proceed with Respondent appearing by speakerphone.

26. Respondent is aware that he was held in contempt by the Supreme Court of Pennsylvania for practicing while on inactive status.

27. Respondent offered the death of his wife and the troubles he has had in raising his two children as an ongoing difficult circumstance in his life.

28. Respondent did not show remorse or offer any apology to the court and the profession for his conduct.

III. DISCUSSION

This matter is before the Board for a recommendation of appropriate discipline to be imposed based on Respondent's contempt adjudication by the Supreme Court of Pennsylvania for willful violation of the Court's Order of March 17, 2000. The Order of March 17, 2000 transferred Respondent to inactive status, thus prohibiting him from practicing law until reinstated to active status. Respondent received notice and had knowledge of his inactive status by letter from the Office of Secretary of the Disciplinary Board, enclosing the Supreme Court Order. Respondent continued to practice law by entering his appearance on behalf of clients. Respondent offered no response to the Rule to Show Cause issued by the Supreme Court. At the hearing in February 2006 Respondent offered no explanation or reason for his unsanctioned activities.

Respondent has a prior history of discipline, consisting of a short suspension in 1989 for a drug possession conviction, and a two year suspension imposed by the Court on September 12, 2005. The latter suspension resulted from Respondent's neglect of client matters and his representation of clients subsequent to his transfer to inactive status. In fact, the prior disciplinary proceeding resulting in the two year suspension was linked to Respondent's failure to abide by the Supreme Court's Order of March 17, 2000, the same court order at the heart of the instant proceeding. Respondent continued to engage in the practice of law without skipping a beat, engaging in at least 20 incidents of the unauthorized

practice of law since April 2000, many of which occurred after the prior disciplinary hearing in November 2003, when Respondent was directly warned of the prohibition against practicing law. Respondent repeatedly and willfully violated the Supreme Court Order of March 17, 2000.

The Hearing Committee aptly described Respondent as an unapologetic recidivist. Certainly this description is born out by the evidence of record. Respondent has demonstrated a marked lack of attentiveness to the ethical rules of the legal profession. Respondent has never offered any expression of remorse or apology for his actions. No mitigating circumstances were raised by Respondent, but for his continuing difficult personal situation of raising his two children following the death of his spouse some years ago. It should be noted that Respondent did not bring his domestic situation to the fore as an excuse for failing to abide by the Supreme Court Order, but as an explanation for his inability to appear at the disciplinary hearing on February 6, 2006.

The Hearing Committee recommended that Respondent be disbarred. After careful consideration of the facts of record, the Board is persuaded that disbarment is an appropriate sanction for Respondent's continual, willful violation of an Order of the Supreme Court of Pennsylvania. There is no evidence of record to suggest that Respondent is sorry for his misconduct or has an understanding of the gravity of his situation.

IV. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, William Emanuel Papas, be disbarred from the practice of law.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Jonathan H. Newman Vice-Chair

Date: August 23, 2006

ORDER

PER CURIAM:

AND NOW, this 21st day of November, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated August 3, 2006, it is hereby

ORDERED that William Emanuel Papas be and he is disbarred from the Bar of this Commonwealth, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.